

CHURCH & STATE

A MONTHLY REVIEW

Morse vs. Spellman
School Aid Post Mortem
Pope John's Encyclical
Public School Captured in Ohio
Birth Control Haunts Kennedy
How Clerical Censorship Works



Wait Till Next Year

President Kennedy assured a press conference recently that new proposals for Federal aid to education will be made next year. POAU promises to subject all such proposals to the same searching analysis as the 1961 proposals received. There were ten POAU appearances before Congressional committees on the subject of Federal aid. There was a POAU legal memorandum dealing with the Congressional barrier to Federal aid to church schools. There was full coverage of the school aid battle in these pages.

If there is to be a similar struggle next year we pledge ourselves to a similar effort here. Before Congressional committees, in the press, in public meetings all around the country, we shall continue our educational program just as intensively as we did throughout this year. All of this will be reflected in the CHURCH AND STATE REVIEW. All the news Church-State wise, interpreted with insight and dignity can be yours each month for the minor effort of clipping the coupon on page 15 and sending it in with your \$5 minimum membership gift. Send to:

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IN THIS ISSUE

Vol. 14, No. 9

October, 1961

Morse vs. Spellman.....	3
Editorials.....	4
"Is POAU Really a Blessing?".....	5
Christian Brothers Winery in Tax Defeat.....	6
Post Mortems on School Aid Bills.....	7
Bremond, Texas, Captive School Lawsuit on Trial..	7
State Constitutions (continued).....	8
This Month.....	9
News from Far and Near.....	10
Ohio Captive School Draws Headlines.....	10
Paul Blanshard Says—Pope John's Encyclical.....	11
The Law in Action.....	13
Birth Control and U. S. Foreign Aid Program.....	14
Eleven Types of Books Banned by Catholic Church	15

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MORSE vs. SPELLMAN

Round 1, Morse on Points; Round 2, Morse by Technical Knockout

Two famous political in-fighters, Senator Wayne Morse of Oregon and Francis Cardinal Spellman of New York engaged in verbal fisticuffs in the closing days of the last Congress over the question whether the Catholic bishops of the United States are seeking to block the "legitimate aims of a majority of our people through pressure tactics."

POAU's Bureau of Political Pugilism, remaining strictly neutral, awarded the first round to Morse on points, and scored a technical knockout for the doughty Oregon fighter in the second round. The decision was based partly on the fact that Cardinal Spellman was guilty of a foul in charging that Catholics were being "denied their own precious freedom" by the President's program for aid to public schools only, and that the program was "unwittingly anti-Catholic and indirectly subversive of all private education."



Senator Wayne Morse (D., Ore.), chairman of Subcommittee on Education, Committee on Labor and Public Welfare, United States Senate.



Francis Cardinal Spellman, archbishop of New York.

Morse Speaks Out

Round 1 took place in August when Senator Morse, who had patiently attempted to pilot the President's program (the Morse-Thompson bill) through the Senate and House, lost his patience over Catholic obstruction and made a blistering attack on the policy of the Catholic bishops before a convention of the American Federation of Teachers in Philadelphia. He said:

I have no intention of compromising the principles of federal aid to education with any pressure group, or private school group in America, who seek to take federal aid to education legislation

into the political trading mart. . . . A third category of opponents of federal aid . . . include highly influential churchmen such as Cardinal Spellman [who] look upon the public schools as competitors. They feel that pressures for improvement in teachers' salaries and reduction in pupil-teacher load in the public schools will result in a draining away of their own lay teachers. . . .

I appreciate the magnitude of the problem with which they are faced, but I say in all sincerity that the adamant opposition of the higher Catholic clergy to an improvement to our public educational system except upon their own terms will lead to most unfortunate results. If they succeed temporarily in blocking the legitimate aims of a majority of our people through pressure tactics, they are sowing a wind of discord which will result in a whirlwind of resentment when the people of the country learn the facts. . . .

I say again to the Catholic bishops, do not insist adamantly in this matter upon an all-or-nothing-at-all policy, for if you do, the latent religious quarrels of past history will be brought to life again, and the fabric of our civil society will be stretched once more to the breaking point. (*Congressional Record*, Aug. 22, 1961)

Spellman Replies

Cardinal Spellman, stung by this frank speaking from a senator who had been constantly praised in the Catholic press for the last two years for advocating loans—not grants—to parochial schools, lost his temper, as he had done in the famous controversy with Mrs. Roosevelt in 1949. In a press release he said:

It is disappointing that now an old friend has turned against us. . . . We do not believe that the best interests of this nation can be served by making public education a monopoly. Yet that would be the eventual outcome if federal aid is granted solely to the public schools, for the weight of triple taxation on Catholics would become impossible to bear.

It is our conviction that the administration's proposal, put into legislative form by Senator Morse, is actually if not intentionally discriminatory, unwittingly anti-Catholic and indirectly subversive of all private education. . . .

In the last war courageous Catholics fought side by side with their fellow Americans. They placed a costly sacrifice on the altar of freedom. Shall they now be denied their own precious freedom—the right to choose religious schools for their children without incurring an insupportable financial burden? . . . now is the hour of crisis when all Americans should stand together and safeguard our free and beloved Nation.

Decision for Morse

Round 2 came in the United States Senate. Senator Morse replied to Cardinal Spellman in a speech which consumed 34 pages in the *Congressional Record* of August 22. He proved by lengthy documentation that he had been the foremost advocate in Congress of a separate bill which would have given federal loans to parochial schools, and he asked that such loan proposals

(Continued on page 5)

Who Will Talk?

Announcement has been made that the Ford Foundation has donated \$325,000 to the National Conference of Christians and Jews to "promote discussion among religious groups that differ on public issues." A subsequent report indicates that there will be an effort to analyze the rather "primitive emotions" that were exhibited in the battle over Federal aid to parochial schools.

We have painful recollections of the previous Fund for the Republic discussions on a similar subject. These discussions were managed almost exclusively by Roman Catholic leaders well known for their advocacy of Catholic school subsidies. Advocates of strict separation of church and state had to invite themselves in order to get in at all, while care was taken to load the panels with Protestants who would be soft on the school aid issue.

Will History Repeat

We fear the same kind of loaded discussion under NCCJ auspices. We call upon this group which has always sought to be fair to make a special effort to be so in these arrangements. We fear very much widely publicized discussions which will celebrate Cardinal Spellman's subsidy drive in the 87th Congress as splendid Christian statesmanship, while the opposition to it will be heralded as "primitive emotion." If this is to be the wisdom on display we suggest the cancellation of the talks now.

It is understood that Roman Catholics within NCCJ have already sought elimination of POAU representatives on the ground that they are "partisan." We would respectfully counter this proposal with another—that all Roman Catholics be barred on the ground that the political pressures exerted by their church during the 87th Congress

show extreme partisanship.

If partisans are to be eliminated, does not fairness require the elimination of all partisans?

Why Our Name?

We have been getting several letters a day suggesting we change our name. Most commonly proffered replacement is "Americans United." There are good arguments for the abbreviated nomenclature and they are stated well.

There is, however, equally cogent support for keeping the present name. One argument is that we rather like it. We realize that some Protestants are apologetic about their name and would like to change it to something more "ecumenical." We are not apologetic; we like the name Protestant; we are proud of what Luther did.

Again, our name, ungainly though it is, has the advantage of expressing our entire operation. Protestants and other Americans United for Separation of Church and State. That's it.

After fourteen years we have built up a certain equity in our title. Most of this would be lost if we changed to something else.

Descriptive Accuracy

But to go back to the word "Protestant" which seems to be the disputed part of our title. It is accurate, since 90% of our constituency is Protestant. It is accurate in that the principle of separation of church and state with which it is associated in our title is, historically, a development under Protestant aegis. It is accurate, again, in its representative capacity. POAU has never professed to be the "voice of Protestantism" or to speak for all Protestants. Let us say in candor, however, that when it comes to church-state issues we do speak for a great many Protestants. These Protestants do believe in separation

and they have found in POAU an articulate influence in its defense.

Some of our Jewish and Catholic members have objected to "Protestant" because it makes them second class members. Not at all: we would have no objections to Protestants, Jews, Catholics, Orthodox, etc., etc. United. Obviously, though, we have to cut off somewhere.

We do not object to chapters and regional offices designating themselves as simply "Americans United." So some of them do.

Keep the Churches Clear

The rapidly developing partnership between the Federal government and the country's missionary boards in Peace Corps programs overseas can lead only to embarrassment and grief. Particularly regrettable are the arrangements in Latin America where the Corps proposes to associate itself with Roman Catholic groups in a number of projects.

The fact is that this church has repeatedly suffered popular wrath for its intimate association with reactionary regimes which did the people no good. The image of church-state association in Latin America is bad. The flaunting of ties between the United States Government and the Roman Catholic Church in the manner of the Peace Corps is bound to stir needless antagonisms. This will be true despite the merit of the projects themselves.

This business of Peace Corps contracts between the government and church organizations abroad violates one of our wise traditions. It makes association between the state and the churches overt even if it is not covert. For a long time we have carefully avoided any partnership of this kind. Let's keep it that way.

No more Peace Corps contracts with the churches.

Third Job for McCormack?

We sympathize with Speaker Sam Rayburn of Texas who, at the age of 79, is suffering from lumbago. But we sympathize even more deeply with one of the most over-worked legislators on Capitol Hill, Majority Leader John W. McCormack of Massachusetts, who is crowding seventy. Our sympathy, we confess, has something to do with the fact that Mr. McCormack might possibly succeed Mr. Rayburn as Speaker of the House and as third person in line of succession to the Presidency if Mr. Rayburn's lumbago should prove obstinate.

Under the circumstances we hope that (1) Mr. Rayburn's lumbago will not prove obstinate; and (2) the House will not endanger Mr. McCormack's health by heaping upon him the responsibility of three jobs at once. Mr. McCormack has been performing two tasks at once with great vigor for many years, the task of representing his constituents and the task of representing the Vatican in all its spiritual, moral, political and financial aspects. In this period of unemployment work should be distributed according to principles of social justice and the old should not be expected to bear the same burdens as the young.

ED. NOTE: We reprint below an editorial which appeared in the *Catholic Universe-Bulletin* of Cleveland, June 23, 1961. We were touched at the thought that a Roman Catholic journal would find in POAU a useful organization. Upon reflection, we are inclined to agree with this publication that we are indeed, a good influence for the Roman Catholic Church. Perhaps even a saving influence.

Is the POAU Really a Blessing?

Maybe in the long run it will prove to have been a good thing for American Catholics that there was such a group as POAU (Protestants and Other Americans, etc.).

Maybe POAU will stir a lot of us out of semi-lethargy.

As Bishop John J. Wright of Pittsburgh said the other day, groups like POAU have been creating a "counterfeit image" of the Church.

They have been representing it as "medieval, dated, alien, totalitarian, political and clerical."

Catholics, he said, must correct the image by showing forth the divine mission of the Church—"the heart of the witness we must bear."

Coadjutor Archbishop Martin Johnson of Vancouver, B. C., was even more specific:

"This is the image of the Church we should be presenting: Christ giving a share of His divine life through the clergy, the Sisters and Brothers, and the laity."

A more accurate brief description of what the Church is would be impossible.

The Church is Christ continuing His work—which will not end until time ends—in us and through us.

POAU doesn't see us that way—and doubtless that in some part is our fault.

Maybe POAU can never be brought to see the true image of the Church; and then again, maybe it can.

Certainly most of our neighbors will see the true image if we show it forth as clearly as we should.

We wish POAU would stop misrepresenting us, but in the meantime we can consider, with good humor, that at least POAU does do us the service of being a gadfly.

That's not particularly good for POAU, but maybe in some ways it's a little bit good for us.

And one thing we must concede—the POAU people work like anything. It must be a terrible strain to keep criticizing all the time. Saying a good word for the other fellow is much more relaxing and pleasurable—even if the other fellow is a (ugh) Catholic.

Morse vs. Spellman (continued from page 1)

should be submitted to the Supreme Court for a thorough-going test. But, although he indicated that he personally still believed loans to be constitutional, he refused to support the constitutionality of grants to parochial schools, declaring: "I can reach no other conclusion than that to make grants to elementary and secondary Catholic and other private schools in this country would be unconstitutional." And he reminded Cardinal Spellman that the Cardinal was the same man who had assured the world in 1949 in the midst of the controversy with Mrs. Roosevelt that: "We are not asking for general public support of religious schools" but only for "auxiliary services." Senator Morse also said: "The Cardinal cannot repeal the first amendment

by seeming to ignore it."

Washington observers believe that the exchange between Cardinal Spellman and Senator Morse will greatly weaken the Catholic lobby in its drive for federal aid to parochial schools. The church turned upon its most ardent champion of loans for parochial schools, who was willing to support a separate bill for such loans, only because he dared to speak candidly about the obstructive tactics of the Catholic pressure groups which have blocked all federal aid with their all-or-nothing ultimatum. Even Senator Keating of New York, who has long been a champion of loans to parochial schools, praised Senator Morse for his able reply to Cardinal Spellman's dog-in-the-manger policy.

Christian Brothers Tax Defeat Establishes New Principle

The full text of Judge Sherrill Halbert's tax decision against the Christian Brothers of California, largest manufacturers of commercial brandy in the United States, shows that the federal government is moving toward a policy long advocated by POAU, the taxing of *all* competitive commercial enterprises operated by all churches which have no organic or necessary connection with religion. The decision, if not reversed, is likely to cost the Catholic Church alone at least \$7,000,000 in back taxes due, and restore that amount to American taxpayers. (See CHURCH AND STATE, July-August)

Judge Halbert's decision, handed down in a federal district court in Sacramento in the case of *De La Salle Institute vs. U.S.*, nominally decided only one thing, that the De La Salle Institute, corporate front for the Christian Brothers, which owns vast liquor interests in California, could not recover as a refund some \$490,000 in corporate profits taxes which it had paid for the years 1952, 1953 and 1956. The Brothers claimed that they were exempt from all federal profits taxes under their own interpretation of Section 511 of the Internal Revenue Code on the ground that they were a church and that their property belonged in the last analysis to the Pope. (The regulation covering this tax law was published in the *Federal Register*, July 9, 1958, p. 5201.)

The Department of Justice, stimulated by the protests of POAU attorneys at two Congressional hearings, denied that the Brothers' liquor business was a "church", and filed a counter-suit bringing the total involved in pending litigation to about \$2,000,000 in unpaid or contested taxes. One important factor in the case was that other distillers competing with the Christian Brothers are compelled to pay 52 per cent of their profits to Uncle Sam, whereas the Roman Catholic Church has claimed total exemption from such taxes.

A Model Decision

Judge Halbert's decision went beyond the highest hopes of POAU's attorneys. He not only struck down the Christian Brothers' re-fund claim but also indicated that the Internal Revenue Service had been too lenient to religious orders engaged in competitive commerce by writing a regulation exempting subsidiary corporations owned by such orders. The regulation left it to Catholic orders to determine by their own rules "what constitutes the conduct of religious worship" and granted them exemption if their functions



The fertile vinelands of California give incomparable flavor to the brandy of The Christian Brothers. Skill and patience add the finishing touches to America's most popular brandy.

The largest selling brandy in America
is the famous Brandy of

The
**Christian
Brothers**

of California

MAKERS OF FINE WINES, CHAMPAGNES AND BRANDY
84 PROOF - Fromm and Sichel, Inc., sole distributors, New York, N.Y., Chicago, Ill., San Francisco, Calif.

Reproduction of a liquor advertisement
of the Christian Brothers order.

were "sacerdotal." Under the regulations, the Christian Brothers were finally taxed, but the Jesuits, who also own liquor interests, were entirely exempted.

Judge Halbert's decision brushed aside the lenient regulation by the Internal Revenue Service as "invalid" and contrary to the will of Congress. In effect he ruled that a priest distiller and a lay distiller are equally vulnerable to a profits tax levy, regardless of whether they claim to be a church in all aspects of their unrelated business activity. "It would be impractical," he said, "to accord an exemption to every corporation which asserted itself to be a church. Obviously Congress did not intend to do this. . . . If the doctrine of the Catholic Church were such, work in a winery might be a church function. . . . This, however, could

(Continued on page 12)

Post Mortems Numerous; School Aid Bills Finally Expire

Who killed school aid in the first session of the 87th Congress? This was a favorite cloak-room topic among Congressmen as Secretary Ribicoff's last-gasp skeleton bill was dispatched on August 30 by an overwhelming 242 to 169 vote. The Ribicoff bill never really had a chance because it provided practically every Congressman with a built-in excuse to vote against it.

The Ribicoff bill provided only \$325 million for school construction instead of \$3.2 billion called for in the original bill. Even the National Education Association turned up its nose at this. This group deemed the bill so inadequate in the light of existing need that it refused to support it. This released some Congressmen from their commitments.

Assurance had been given that even if the Ribicoff bill failed there would be a separate bill to continue aid to so-called "impacted areas." This assurance cost some more votes. Secretary Ribicoff's compromise was the kind of compromise that pleased nobody and nobody much voted for it.

No one had the slightest doubt as to the important role played by Cardinal Spellman and his colleagues in the defeat of Federal aid. But amazingly prominent as an object of blame was President Kennedy himself. It was agreed that there had been too much talk in his official family about a possible compromise with the Catholic bishops. This talk had not been scotched. On the contrary, the studied silence of administration spokesmen and of President Kennedy himself seemed to lend encouragement to it.

The effort at "compromise" became overt when Secretary Ribicoff proposed an amendment to the Defense Education Act which would have provided \$125 million a year for three years to construct non-religious classrooms for Catholics schools. This arrangement was reluctantly agreed to by President Kennedy. Even this maneuver of desperation did not please Cardinal Spellman, however, and the church-inspired deadlock continued.

One of the major reasons for the failure of substantial school aid was summed up by Arthur Krock in *The New York Times*.

In relaxing his long-maintained position that Federal aid-to-education bill must be dealt with on a sternly separate basis from any Federal aid to private—including church—schools, and permitting if not encouraging members of the Administration to whisper meaningfully of fundamental compromise on this point, the President violated the second simple and solid rule. This is, in the middle of a battle do not abandon troops which you have ordered into risky front positions on assurances of unflagging command support.

Bremond, Texas, Suit Headed for Trial

Two hundred thousand dollars in public tax funds expended on St. Mary's parochial school in Bremond, Texas came under challenge of a taxpayers' lawsuit due for a trial in Texas courts this fall. The parochial school, now called Elementary School, No. 2 and almost entirely financed from tax funds, has been operated for some years in connection with the town's Roman Catholic parish.



St. Mary's parochial-public school
of Bremond, Texas.

The suit was actually commenced in 1959 by the Texas Association for Free Public Schools but ran into difficulties and delays over the question of "administrative relief." Such an effort did result in the removal of catechical instruction from the classrooms, elimination of the religious section from the library and removal of symbols and images from the building.

The basic problem of the joining of the public and the church institutions, with nun teachers drawing public salaries, and maintenance and operational costs being largely met from public funds, was not solved. The state commissioner requested the local school board to conduct its sessions in public-owned facilities but averred he had no authority to issue such an order. He stated, too, that he could not rule on the question of garb and the method of engaging the teachers.

Now these issues will be aired before a court which does have authority to decide on these matters.

"Wait till next year," was the slogan of school aid advocates. But it was a weak and plaintive cry. Next year appeared to offer no better way out of the dilemma. President Kennedy did not sound very sure when he said on August 30: "We will be back next year, but it is going to require a recognition by all groups . . . that there has to be some recognition of what we are concerned about as advancing the education of the young people of this country which, of course, is our most important asset and responsibility."

State Constitutions on Aid to Religious Schools

Continuation of State laws as prepared by Dr. Edgar Fuller, executive secretary of the Council of Chiefs State School Officers, for a Congressional Committee hearing.

FLORIDA—Declaration of Rights. Sec. 6:

"Preference or aid to religious sect prohibited.—No preference shall be given by law to any church, sect or mode of worship and no money shall ever be taken from the public treasury directly or indirectly in aid of any church, sect or religious denomination or in aid of any sectarian institution."

GEORGIA—Bill of Rights, Rights of the Citizen (art. 1, ch. 2-1). Sec. 2-114. Paragraph XIV

"Appropriations to churches, sects, etc., forbidden.—No money shall ever be taken from the public treasury, directly, or indirectly, in aid of any church, sect, or denomination of religionists, or of any sectarian institution."

HAWAII—Education (art. 9). Sec. 1:

"The state shall provide for the establishment, support and control of a statewide system of public schools free from sectarian control, a state university, public libraries and such other educational institutions as may be deemed desirable, including physical facilities therefor. There shall be no segregation in public educational institutions because of race, religion or ancestry; nor shall public funds be appropriated for the support or benefit of any sectarian or private educational institution."

LOUISIANA—Limitations (art. 4). Sec. 8:

"Public funds—Prohibited expenditure for sectarian, private, charitable or benevolent purposes—State charities—Religious discrimination.—No money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof, as such, and no preference shall ever be given to, nor any discrimination made against, any church, sect or creed of religion, or any form of religious faith or worship. No appropriation from the State treasury shall be made for private, charitable or benevolent purposes to any person or community: *Provided*, This shall not apply to the State asylums for the insane, and the State schools for the deaf and dumb, and the blind, and the charity hospitals, and public charitable institutions conducted under State authority."

IDAHO—Education and School Lands (art. 9). Sec. 5:

"Sectarian appropriations prohibited.—Neither the legislature nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation, or pay from any public fund or moneys whatever, anything in aid of any church or sectarian or religious society, or for any sectarian or religious purpose, or to help support or sustain any

school, academy, seminary, college, university or other literary or scientific institution, controlled by any church, sectarian or religious denomination whatsoever; nor shall any grant or donation of land, money or other personal property ever be made by the State, or any such public corporation, to any church or for any sectarian or religious purpose."

ILLINOIS—Education (art. 8). Sec. 3:

"Public funds for sectarian purposes forbidden.—Neither the general assembly nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money, or other personal property ever be made by the State or any such public corporation, to any church, or for any sectarian purpose."

INDIANA—Bill of Rights (art. 1). Sec. 6:

"No money for religious institutions. No money shall be drawn from the treasury, for the benefit of any religious or theological institution."

IOWA—Bill of Rights (art. 1). Sec. 3:

"Freedom of religion.—The general assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates for building or repairing places of worship, or the maintenance of any minister, or ministry.

Annotation.—The carrying on with public school funds of a public school, in conjunction with, and as a part of, a parochial school, devoted in part to sectarian teaching, is wholly illegal, and no lapse of time, and no acquiescence of the people therein, will give it validity. *Knowlton v. Baumhover*, 182 Iowa 691—166 N.W. 202."

KANSAS—Education (art. 6). Sec. 8:

"Nonsectarianism.—No religious sect or sects shall ever control any part of the common school or university funds of the State."

KENTUCKY—Education. Sec. 189:

"School money not to be used for church, sectarian or denominational school.—No portion of any fund or tax now existing, or that may hereafter be raised or levied for educational purposes, shall be appropriated to, or used by, or in aid of, any church, sectarian or denominational school.

Annotation.—The constitution not only forbids the appropriation for any purpose of the common school funds to sectarian institutions, but it contemplates that the separation between the common school and the sectarian school shall be open, notorious and complete. *Williams v. Board of Trustees*, Etc., 173 Ky. 708 (from Kentucky Common School Laws, 1954)."

THIS MONTH

Peace Corps Exchange

An exchange of letters between Director R. Sargent Shriver, Jr. of the Peace Corps and C. Stanley Lowell, associate director of POAU, over projects in Colombia, can be rated a stand-off. Mr. Lowell raised a question about sending Peace Corpsmen to build schools in rural areas there when over 200 Protestant schools in the same areas had been closed by the government. He suggested that the new schools would be turned over to Roman Catholic management.

Mr. Shriver sent in reply a form letter which did not deal with the question that had been posed. A second, more pointed letter from Mr. Lowell drew a second reply denying that the first was a form letter. Again, the Corps director did not reply to the protest on the Colombian school project. He merely reiterated the assurances contained in his original letter that everything was quite all right.

Peace Corps Missionaries

For some time we have urged qualified readers to consider the possibility of devoting some part of their life to the work of Christ as lay missionaries. Now, with the advent of the Peace Corps, there is an additional opportunity . . . to serve both God and country as a dedicated worker in foreign fields.

Especially urgent . . . is the need for Catholic teachers to help fill 300 teaching assignments in the Philippine Islands as Peace Corps volunteers.

Those who wish to volunteer for this work or other Peace Corps



R. Sargent Shriver, Jr.
Director, Peace Corps

posts should apply to the Peace Corps Desk, National Catholic Welfare Conference, 1312 Massachusetts Ave., N.W., Washington 5, D. C.

—Ave Maria, July 16, 1961

Relief Granted

Another "relief" bill has slipped quietly through Congress and is signed by the President. It is called a bill for the relief of Roman Catholic nuns Maria Dolores Villar Salinas, Angela Casanova Cabello, Carmen Guenaga Anchustagui, and Flora Casals Pons. This is one of many such bills that special interest groups are able to put through each term without apparent effort.

These special bills enable the persons involved to skip the quota system applied by law to all other immigrants, and remain as permanent residents of the United States. It is up to the Sisters individually if they ever wish to apply for U.S. citizenship, or to live here the rest of their lives without becoming citizens. President Kennedy signed this particular bill, S. 85, into Private Law 87-176, on September 6.

Excommunication

Hermas Labrosse of Wendover, Ottawa has been excommunicated for insisting on paying his taxes to the public schools and remaining a member of the public school board. (Ontario has two school systems: a public system and a separate system, both supported by public revenue.) *The Independent*, May, 1961, prints the letter of excommunication sent to Mr. Labrosse by the Vicar General of the Archbishop of Ottawa, Msgr. J. N. Gelineau.

Ottawa permits taxpayers to designate their school tax for "separate" or sectarian schools. As a member of the public school board Mr. Labrosse had insisted on paying his tax for public schools. Msgr. Gelineau had ordered him to pay his tax to the church schools and to retire from the public school board. When he refused on both counts he received a letter from Msgr. Gelineau which, at one point, said: "I must declare you unworthy of absolution. . . . You cannot receive the sacraments and in consequence you must be refused burial by the church."

Thanksgiving Proclamation

This bill (providing Federal aid to public schools only) is dishonest and discriminatory, and, if passed, would have inaugurated a complete revolution in American education that would have disastrous consequences to our American ideals. We are grateful indeed to those who have so loyally and faithfully and intelligently opposed this measure and thus protected the rights and privileges of parents in the education of their children and spared them unnecessary financial exploitation.

—Francis Cardinal McIntyre, of Los Angeles, on learning of the defeat of Federal aid to education in the 87th Congress.

NEWS FROM FAR AND NEAR

■ Rev. Ralph T. Henley, a missionary of the Church of Christ in Jerusalem, has had his visa renewal denied. Mr. Henley's success in making Jewish converts to Christianity was blamed for the denial. He charged the Israeli government with "discrimination against the Churches of Christ."

■ Protestants of La Jagua de Ibiruco (Magdalena Department) Colombia have been ordered to cease construction of their new church. The congregation had raised the walls and the roof was in place. The order to desist was signed by the Mayor, Sr. Luis Garcia, whose proclamation states that the Bishop of Valledupar, Sr. Vincente Roig y Villalba, has asked that "I order you to halt construction of a Protestant chapel in La Jagua."

■ Ayshalom Dhatavkar and Shula Elmalen have found an impediment to their marriage in Israel in the form of a law designed to preserve "racial purity." Ayshalom was born into the Bene Israel sect, a group disapproved by Israel's Orthodox Jews and regarded as an "illegitimate." Such a person may not be married to an Orthodox Jew. Avshalom said that if he was good enough to fight in the Israeli army he should be good enough to be married in Israel.

■ Countries with laws against birth control: In Europe—Belgium, Eire, France, Germany, Greece, Malta, Netherlands, Portugal, Spain, Italy, Turkey. In Latin America—Brazil, Chile, Costa Rica.

■ Although the Vatican's Holy Office has issued a special order forbidding priests and nuns to practice psychoanalysis or to consult any psychoanalyst without the permission of a bishop, the Roman Catholic Church has not yet attempted to prohibit the practice of psychoanalysis by law. The new order implements the teaching of Pius XII, as voiced by Bishop Fulton J. Sheen who once declared that Freud and Karl Marx are the "two men who have contributed most to the modern tragedy of the world."

■ Francesco Paolo Niosi, a former priest in the Roman Catholic Church, has been elected mayor of Ueria, Sicily, according to *Newsweek* magazine. A Regional Assessor of Sicily has denied his right to serve because of a Concordat between Italy and the Pope which forbids former priests to hold public office. Niosi and his followers will fight enforcement of the discriminatory law.

■ Forty-four schools of the Roman Catholic Church in Guinea have been taken over by the government since Guinean independence in 1958. The government is absorbing all church schools into the state system.

After the governing party in the new African nation of Guinea had voted to make all sectarian schools into public schools, Bishop Gerard de Milleville of the Roman Catholic Church objected to the new policy and allegedly declared that the Roman Catholic Church was not subject to the control of any lay government. President Sekou Toure of Guinea thereupon sent Bishop de Milleville back to France.

An Ohio Captive School Draws Many Headlines

The tiny community of Ottawa, Ohio, population 3000, has made headlines across the nation by its "merger" of the local parochial and public schools. SS. Peter and Paul Roman Catholic parish high school will become one this fall, under an arrangement by which the parish building will be leased to the public. The old public building will continue in use for industrial arts and physical education.

All former teachers will be offered new contracts except for the teaching nuns who are to be assigned to the parochial elementary school and will not go on public salary as is the usual rule in such combinations. The elementary school is not involved in the merger.

The merger of the high schools was made possible by the action of Bishop George J. Rehring who, it was announced, had given his consent "for the good of the community and for the educational future of the students."

"Strictly a matter of economy," said school superintendent Collins Stackhouse.

A POAU survey showed 22 "captive schools" in Ohio, 6 of them in Putnam County. These are schools merged with Roman Catholic parishes. One of these, at Kalida in 1958, resulted in a burst of anti-Protestant bigotry, the elimination of virtually all Protestant children from the school, and the withdrawal of some Protestant families from the community.



Paul Blanshard Says

The Encyclical: A Skillful Mixture Of Sentiment and Silence

Pope John XXIII's *Mater et Magistra*, the longest encyclical in Catholic history, was mellifluous, appealing and lofty in sentiment. It was rightly given great play in the American press because anything spoken with such solemnity by the spiritual leader of half a billion people is bound to command world attention.

Perhaps the three most important positions expressed in the encyclical may be summarized as follows: (1) a slight shift to the left in economic policy; (2) no change whatever in the fundamental Catholic position on church and state; and (3) continued and official opposition to birth control.

The slight shift toward gradual "socialization" in industry received most attention in the American press, and incidentally caused one conservative Catholic editor, William F. Buckley of the *National Review* to denounce the encyclical as "a venture in triviality." Actually, the economic portion of the encyclical was more of a venture in political sagacity. Pope John very cautiously endorsed peaceful "socialization" of industry, with many qualifying clauses. Living in Italy where socialist and Communist forces almost hold the balance of power, the Pope sees the necessity of cooperation with moderate socialism if the Vatican is to survive.

There is no reason to believe that Pope John is insincere in his economic attitudes or in the expression at great length of his moral aspirations. It is good to remind the human race that rich nations should help poor nations, that farm workers need help, and that owners of private property should have a conscience. If such platitudes are easy to produce, they are quite useful, as any politician or preacher can testify.

Dictatorship is Re-Affirmed

More startling than anything in the encyclical was the fact that its most important paragraph was completely ignored by American editors. While John XXIII indulged in several laudatory remarks about "freedom" and "personal initiative of individual citizens," he specifically re-asserted the right of the Catholic hierarchy to dictate both the moral and political

conduct of Catholic laymen. While conceding that Catholics should be animated by "a spirit of understanding and disinterestedness" in cooperating with non-Catholics for good ends, he indicated no relaxation or change in the Papacy's policy of securing the partial union of church and state wherever possible. Here is the key paragraph which the American press ignored:

It is clear, however, that when the hierarchy has made a decision on the point at issue, Catholics are bound to obey their directives because the Church has the right and obligation not merely to guard ethical and religious principles but also to intervene authoritatively in the temporal sphere when it is a matter of judging the application of these principles to concrete cases.

The full meaning of this claim can be appreciated by reading a headline in the August 20th issue of the *Register*, America's leading diocesan chain weekly; **PONTIFF NOT CRITICAL OF PUERTO RICO BISHOPS**. In a story sent out by the National Catholic Welfare Conference (the organized bishops of the United States) the leader of the Puerto Rican movement for a Catholic political party, Bishop James E. McManus of Ponce, boasts with much elation of a recent audience with the Pope in which John XXIII received him cordially and spoke no word which could make him feel that he was "condemned or criticized." McManus and his American-born confreres had tried to destroy the political career of Governor Munoz of Puerto Rico in the 1960 election by telling their followers that it was a sin to vote for a political leader who opposed released-time religious instruction for the island's public schools and who favored birth control. Some American Catholic leaders repudiated the stand of the Puerto Rico bishops. Pope John did not.

Nor did the Pope in this encyclical reprove or repudiate the two leading Catholic dictators in Europe, Franco and Salazar, for suppressing all independent trade unions and all opposition political parties under a system of "corporative" control of national life which they themselves claim is based on papal principles. The casual reader of the encyclical would not know that the same Pope who endorses "freedom" so eloquently in this encyclical is cooperating with these dictators, partly through the Vatican-Spanish concordat of 1953 and the Portuguese Missionary Agreement of 1940, in suppressing the rights of Protestants, destroying all trade unions, imposing state control on all employers, and censoring newspapers as severely as they are censored in the Soviet Union.

Pope Canute

When John XXIII came to the population explosion, he was visibly embarrassed. His reactionary predecessor, Pius XI, committed the Church in 1930 to oppose all contraception in language so specific and

official that any direct disagreement can be construed as a challenge to papal infallibility. Now the population explosion has become a threat to human welfare.

The Pope acknowledged that there may be some cause for anxiety about family size in some cases, although he did not venture to quote the latest authoritative estimate that, at the present *geometrical* rate of increase, the world's population will double to six billions in forty years. His only solution was to adhere to the "invincible and immutable" laws of the Catholic Church against birth control. King Canute could not speak with more determination. Even Reinhold Niebuhr chided the Pope at this point.

Skillful Splicing

The most skillful historical splicing in the encyclical was the joining of the present document to two famous past encyclicals in such a way that the Church's cooperation with fascism and its anti-democratic past were concealed. Pope John's thoughts were made to seem like a natural sequel to the social policy which began seventy years ago with Leo XIII's *Rerum Novarum* (The Condition of Labor) and continued with Pius XI's 1930 *Quadragesimo Anno* (Reconstruction of the Social Order.)

Leo XIII, who is presented as a great humanitarian in the present encyclical, openly ridiculed the belief that sovereignty resides in the people as a theory which "lacks all reasonable proof and all power of

insuring public safety and preserving order." (Christian Constitution of States, 1885). Pius XI, in the very encyclical which is hailed by John XXIII as exemplary, commended the fascist labor syndicates of Mussolini, which had suppressed all free labor unions and employers' associations in Italy.

The famous passage condoning fascism, from Pius XI's Reconstruction of the Social Order, which John XXIII did not mention, became the moral foundation of the "Christian corporative" states of Dollfuss in Austria, of Franco in Spain and of Salazar in Portugal. Dollfuss, Franco and Salazar were all quite justified in claiming the moral support of Pius since he declared in the same encyclical:

For the deposit of truth entrusted to Us by God, and Our weighty office of propagating, interpreting and urging in season and out of season the entire moral law, demand that both social and economic questions be brought within Our supreme jurisdiction, in so far as they refer to moral issues. (Five Encyclicals, p. 136)

Although it may seem ungracious to point out these gaps of silence and these manipulations of history in a pronouncement which is so genuinely noble in its expressions of moral aspiration, it is wise to remember that, in the modern world of inter-communication, a papal encyclical is a little like a political platform. It is a launching pad for ecclesiastical propaganda. Its words are calculated not only to exalt and to enlighten but also to promote the special interests of the world's second most powerful totalitarian regime.

Christian Brothers Tax Defeat

(continued from page 6)

not transform an incorporated winery into an exempt church, under any reasonable interpretation of the statute . . . plaintiff is not a church."

In reply to the argument of the Christian Brothers that their constitutional rights were being invaded by a corporate profits levy, Judge Halbert pointedly counter-attacked with a sentence which was probably the most important sentence in his decision: "If there were any Constitutional problem in this case, it would be the problem of whether any exemption of churches from the unrelated business tax could be justified."

Archer and Blanshard Comment

Commenting upon this sentence, POAU's special counsel Paul Blanshard declared: "This judgment opens the door to a contention which POAU has been making for some time, namely that it is an unlawful establishment of religion under the First Amendment to exempt a purely competitive business enterprise, owned by a church, which is not either religious or

educational in nature. In effect tax exemption for such business is a hand-out to religion which discriminates against tax-paying, legitimate commerce."

Glenn Archer, executive director of POAU announced that the organization would ask the Internal Revenue Service to change the regulation which Judge Halbert described as "invalid" and write a new regulation consistent with his decision. "A new regulation," Mr. Archer said, "would immediately affect the commercial radio-TV profits of the Jesuits, particularly in New Orleans, where the order has been securing a discriminatory tax advantage over its competitors." (Judge Halbert specifically criticized tax exemption rulings involving Loyola University.)

Chief credit for the federal government's scholarly brief and defense of its tax claim must go to Jerome Fink of the Department of Justice in Washington. "We will welcome an appeal in this case," said Glenn Archer in September, "since we want to see these principles established for all unrelated business which is masquerading as religious." Notice of appeal by the De La Salle Institute has been filed.



The State Legislature of Maryland has appropriated \$500,000 for the construction of a science laboratory at Mount St. Mary's Roman Catholic College at Emmitsburg, Maryland. It is to be matched by an equal contribution by the College.

Mrs. Kenneth S. Cole, a member of the State Board of Education from Montgomery County, challenged the constitutionality of the appropriation, pointing out that it is a clear violation of constitutional separation of church and state. It was recalled that two years ago a similar appropriation by the Legislature was made in the sum of \$3,000,000 to Loyola, another Maryland Roman Catholic college. Mrs. Coles dropped the issue when the question of the jurisdiction of the State Board of Education was raised.

A full-fledged birth control center is operating in New Haven, Conn. Its managers were courting arrest under Connecticut's archaic law banning birth control information. The United States Supreme Court recently refused to rule on constitutionality of the law.

A bill to exempt certain Amish groups from participation in the Social Security program was defeated in the United States Senate. The Amish had asked exemption from the program on the ground of conscience.

Temporary use of public school buildings for religious services has been ruled unconstitutional in Wisconsin. The ruling was in the form of an opinion by attorney general John Reynolds.

A motion for temporary injunction to halt construction and leasing of a \$2.1 million hospital in Ketchikan, Alaska has been denied by Judge Walter E. Walsh. The injunction was sought on a charge that constitutional rights are being violated in the city's plan to turn over the hospital to the Sisters of St. Joseph, an order of the Roman Catholic Church. Further legal action to avert the sectarian operation is contemplated.

Pennsylvania's Supreme Court has struck down a 1959 motion picture pre-censorship law as unconstitutional. The law which had been pressured through the Pennsylvania legislature by Msgr. Martin Lohmuller, lobbyist for the archbishop of Philadelphia, was held to violate free speech guarantees.

A newly announced policy by the Interior Department will offer public land for school sites and the nominal price of \$2.50 an acre to "states, local governments and non-profit private organizations." More than 15.5 million acres are said to be in the category to be offered. Attorneys interested in the church-state angle are studying the proposal.

Churches are reaping a rich harvest under New York's new bingo law. Churches grossed \$21,703,569 in the half year ending last March. The Roman Catholic Church was the largest bingo money maker.

The recent trial and conviction of Msgr. Francis Beres, vice-chancellor of the Milwaukee Roman Catholic archdiocese, on a charge of reckless driving, marked a significant juridical difference between the United States and concordat countries. In such nations a priest in such a responsible post would not be answerable to charges in a civil court but only to his superiors. The charge of drunken driving against Msgr. Beres was dropped.

Charges of distribution of "bigot" material in connection with a political campaign in Warren, Michigan have been dismissed. Willard Myer had been charged with distributing "anti-Catholic" items in connection with the use of a pamphlet calling attention to Protestants on the ticket. The judge ruled there was no evidence that Myer had violated state election laws.

A new oath for enlisted men in the Armed Forces, but not for drafted men, would include the phrase, "So help me God." The proposal, already passed by the House, seemed assured of passage. Questions have been raised in regard to the phrase as a result of the Supreme Court decision in the Torcaso case.

A bill to make tuition payments to private schools deductible for state income tax purposes in Missouri died in a legislative committee of the House. The Missouri Council of Churches called the bill "discriminatory, unfair, and possibly unconstitutional."

Quote of the Month

With Rep. James J. Delaney (D., N.Y.) a Catholic, jumping the Administration traces to decide the Rules vote, Catholics were bound to be accused of having lowered the boom on the Presidential program. To all who are inclined to resent our role in this controversy we wish to repeat that at no time did Catholics regard the issue as a Catholic or religious problem. It is a matter of our civil rights as American citizens. We ask for nothing as Catholics. Our demands are simply for what the Constitution assured us we have a right to demand.

—America, a Jesuit publication, August 5, 1961

Birth Control Becomes Number 1 Problem Tied to United States Foreign Aid Program

Resumption of nuclear testing by the Russians has not obscured the fact that an even more imposing problem is nevertheless driving mankind to madness and ruin. As it has been remarked: "Man's great problem today is not atomic energy but sex energy." This energy is creating a population problem of staggering proportions. The visit of President Ayub Khan of Pakistan early in the summer served to call attention to the population explosion.

President Ayub dramatically described the efforts of his people to raise their standard of living in the face of the country's rising population. He frankly acknowledged that if some method of limitation could not be discovered and used, the prospects for Pakistan were bleak. He called for aid in the development and popularization of an adequate method of birth control. The President remarked: "What you have got to do is to have some . . . pill or something like that, and make the people eat it."



Prime Minister Nehru of India has been equally candid about the birth problem in his country. He acknowledged that the effect of the \$3 billion aid received annually from the United States is largely nullified by India's increase in population.

Explosion Figures

The need for birth control programs in many lands, including the United States, has been demonstrated by the mere citation of population statistics. Every year China adds 16 million to its population. Every year India adds 8 million. Every year Pakistan adds 2 million. The United States has increased its population over one and a half million since President Kennedy took office. The world's population is increasing by 50 million a year. By 2000 A.D., just thirty-nine years from now, the world which currently struggles to support a population of 3 billion will have 6 billion to support.

Those who wonder why Communist nations are al-

ways "making trouble" and why they move aggressively against their neighbors' territory, can find the explanation in population statistics. Something just has to give. Washington is filled with lobby groups endeavoring to open the doors of the United States to unrestricted immigration in order to relieve world population pressures. None of these groups seems to be concerned about what these countries could do by way of birth control programs to relieve their own pressures.

What is the United States doing to solve the number one problem of mankind? Exactly nothing. The National Institutes of Health with an enormous budget of \$560 million have allocated not one cent to research in birth control. Why is nothing being done? Because President Eisenhower's surrender to the Roman Catholic bishops on this issue has been tacitly continued by President Kennedy.

Eisenhower and Kennedy

It will be recalled that when President Eisenhower was asked about the use of foreign aid funds for birth control, a project recommended by one of his own commissions, he replied by pointing out that this would be offensive to the leaders of the Roman Catholic Church. He said he thought the government ought to keep out of this entire area. "That's not our business," he said.

During his campaign for the Presidency Mr. Kennedy indicated that he had an open mind on the subject. Since his election, however, he has continued the hands off policy of Mr. Eisenhower. The result is that with all its aid programs designed to deal with varied problems in many lands, the United States can do nothing whatever about the key problem of all.

The question to former President Eisenhower was inspired by a report from a Federal commission headed by General William H. Draper, Jr., which urged United States aid for birth control programs in nations which desired them. Now General Draper has re-opened the issue by calling on President Kennedy to implement his campaign assurances that he would investigate the need and possibilities of such aid. There has been no public reply from the White House.

Recently May Craig, representing Maine newspapers, asked President Kennedy: "Since you are asking billions of dollars more in foreign aid, will you help countries control their expanding populations if they ask you?" President Kennedy talked around the question but never answered it. In effect, the Eisenhower ban on birth control assistance, or even a study of its need, continues.

Many Types of Books Blacklisted by Catholic Church

Although the Roman Catholic Church professes to believe in the "free exercise" of religion under the First Amendment, Canon 1399 of the Church's law bans eleven different types of books for all Catholic readers. An analysis of these eleven banned categories has been made for American Catholic readers by a noted Jesuit, Father John J. Lynch in the Catholic magazine "Books on Trial," and in the *St. Louis Review*, that city's official Catholic diocesan newspaper.

Father Lynch points out that under Canon 1399 no Catholic may read either the King James version of the Bible, without permission, or the so-called "Chicago Bible" compiled by a group of scholars at the University of Chicago.

Writings of non-Catholics which treat formally of religion are also banned. Although the church has reluctantly accepted the famous book by C. S. Lewis, "The Screwtape Letters," it has banned as dangerous a later book by Mr. Lewis, "Beyond Personality." This book, says Father Lynch, may not be read without permission from proper authorities.

All Catholics are also forbidden to read all books which directly attack Catholic dogma, or books which defend heresy or error. All Protestant writings which directly criticize Catholic dogma are included in this category. Father Robert Hartnett, former editor of the Jesuit magazine *AMERICA*, admitted in a debate with Paul Blanshard at the Yale Law School that even Catholic students attending Yale could not read Mr. Blanshard's *AMERICAN FREEDOM AND CATHOLIC POWER* without special permission.

Birth Control and Masonry

The proscriptions of the church include all books which defend birth control, and all books which represent Masonry as a beneficial organization. Father Lynch lists on the blacklist the literature of the Planned Parenthood Association, and a noted book by an Episcopal clergyman, Joseph F. Fletcher, "Morals and Medicine," published by the Princeton University Press. The Fletcher work is banned because it defends the right of birth control.

Usually the bishop of an area may, either personally or through a delegate, grant permission to Catholics to read specific literature under certain conditions. But, as Father Lynch points out, even a bishop may not grant any *general* freedom for reading even to Catholic graduate students. He may not, for example, allow "all Catholic graduate students at X University to read whatever may be prescribed in their respective courses." The Chancery Office of each diocese must be supplied with the names of those who want permission to read

the forbidden titles, and the reasons which seem to make the reading necessary.

The Catholic church also has an internal system of censorship for Catholic authors, under Canon 1385. In the case of "all writings which contain anything having a notable bearing on religion or morals," every author who is a Catholic is obliged to submit his material for diocesan censorship and approval before publication. This stricture, of course, is more severely enforced against priests than against laymen. Priests are forbidden to write anything for publication on any subject without permission of their ecclesiastical superiors.

Strong Defense

Father Lynch defends the external and internal system of censorship in vogue in his church by saying: "In these matters the voice of the church is the voice of God and commands the same unquestioning obedience which is due the word of God Himself."

The Vatican Index of Forbidden Books is now relatively unimportant in the church's total scheme of censorship, since too many books are being published for inclusion in the ordinary editions of the Index. Leo XIII announced a 'modern' version of the Index in 1897, and a revision was made public in 1948 which includes 4126 entries. Only a few American books are 'honored' by inclusion in the Index.

Most of the censorship operations of the church are performed through Catholic bishops rather than the Vatican Index. Says Father Lynch: "It would appear to be the present policy of the church to restrict to a minimum the number of books explicitly condemned and to depend more and more on the general principles of Canon Law to guide the faithful in their recognition of forbidden matter."

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